

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN S. MESSINA,

Plaintiff,

-against-

MEMORANDUM & ORDER
10-CV-0659(JS)(ETB)

OCEAN MARINE DEVELOPMENT CORP.,
J.D. POSILLICO, INC. and POSILLICO
CIVIL, INC.,

Defendants.

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OCEAN MARINE DEVELOPMENT CORP.,

Plaintiffs,

-against-

ST. PAUL FIRE AND MARINE INSURANCE
CO., INTERNATIONAL SPECIAL RISKS, INC.
and STEVE MACQUARRIE,

Third-Party Defendants.

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APPEARANCES:

For Plaintiff: Timothy F. Schweitzer, Esq.
Hofmann & Schweitzer
360 West 31st Street, Suite 1506
New York, NY 10001

For Ocean Marine: Vincent M. Amicizia, Esq.
Greshin, Ziegler & Amicizia, LLP
199 East Main Street
P.O. Box 829
Smithtown, NY 11787

For the Posillico
Defendants: Daniel Gerard McDermott, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
Wall Street Plaza
88 Pine Street, 21st Floor
New York, NY 10005

John Michael Comiskey, Esq.
Agovino & Asselta, LLP
330 Old Country Road, Suite 201
Mineola, NY 11501

Steven A. Steigerwald, Esq.
Law Office of Michael F.X. Manning
100 Baylis Road, Suite 300
P.O. Box 9093
Melville, NY 11747

For St. Paul: Patrick Ryan McElduff, Esq.
James W. Carbin, Esq.
Duane Morris LLP
744 Broad Street, Suite 1200
Newark, NJ 07102

For International
Special Risks and
Steve MacQuaurrie: Doyle C. Valley, Esq.
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210

Kevin Hickman, Esq.
Morrison Mahoney LLP
17 State Street, Suite 1110
New York, NY 10004

SEYBERT, District Judge:

Pending before the Court is Third-Party Defendant St. Paul Fire and Marine Insurance Company's ("St. Paul") motion to sever the third-party action from Plaintiff John Messina's claims against Defendants Ocean Marine Development Corp., J.D. Posillico, Inc., and Posillico Civil, Inc.

The parties are scheduled to appear for a settlement conference before Magistrate Judge E. Thomas Boyle on October 13, 2011. Within fourteen (14) days after the conference, the

parties shall update this Court on their settlement progress. In the meantime, St. Paul's motion to sever (Docket Entry 25) is DENIED without prejudice. After the conference, St. Paul may reinstitute its motion with a one-page letter to this Court, and the Court will consider the motion on the strength of the briefs already submitted.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 14, 2011
Central Islip, New York